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100TH CONGRESS
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SENATE

REPORT
100-178

PROVIDING FOR THE CONVEYANCE OF CERTAIN PUBLIC LANDS IN OCONTO AND MARINETTE COUNTIES, WI

SEPTEMBER 25, 1987.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 242]

The Committee on Energy and Natural Resources, to which was referred the act (H.R. 242) to provide for the conveyance of certain public lands in Oconto and Marinette Counties, WI, having considered the same, reports favorable thereon without amendment and recommends that the act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 242 is to permit the Secretary of the Interior, under certain conditions, to convey approximately 200 acres of land located in Oconto and Marinette Counties, WI to citizens of the United States claiming and demonstrating possession of such lands.

BACKGROUND AND NEED

The lands covered by the bill amount to approximately 200 acres. These are lands which were inadvertently omitted from conveyances or other transfers of land out of Federal ownership because of surveying errors in the 19th century.

According to the Department of the Interior, resurvey of relevant survey lines was undertaken in 1982 at the request of interested landowners. The new survey was approved in 1985. The omitted lands—determined to be a "hiatus" in the original survey—have been encroached upon and occupied.

The bill provides that the conveyance authority granted by the bill could be used only if the Secretary has determined: (1) that a

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particular conveyance is in the public interest and will serve objectives which outweigh public objectives and values which would be served by the lands in Federal ownership; and (2) that no other statutory authority exists for the Secretary to provide appropriate relief.

Conveyances under the bill would be in return for payments which the Secretary would determine by a process of appraisal to determine fair market value, with deduction of the value of improvements or development by the claimant and with any further discount the Secretary determines to be equitable based on the amount—if any—a claimant originally paid for the lands and any taxes that have been paid on the land by the claimant.

The Secretary would be required to "initiate action to implement" the bill within 120 days of its enactment.

The Bureau of Land Management [BLM] has made a preliminary review of comparable areas, which indicates that the values range from $150 to $500 per acre. BLM has spent over $25,000 in surveying, conducting briefings and researching status and title data, and estimates that about $50,000 would be required if the lands were to be sold in accordance with section 203 of the Federal Land Policy and Management Act. Even then, BLM is not guaranteed that all tracts would sell, and could be burdened with the management of some lots that are 50 to 100 feet wide and 1,000 feet long.

After consideration of the additional costs that might be involved, the land management problems, and the public interest to be served, the committee decided that H.R. 242 is the most efficient, equitable, and expedient solution to an expensive and continuing land management problem. The provisions for payment for the land, with adjustments to reflect equitable consideration, is consistent with other acts of Congress.

LEGISLATIVE HISTORY

H.R. 242 passed the House by a vote of 407–0 on March 10, 1987. A hearing was held by the Subcommittee on Public Lands, National Parks and Forests on July 30, 1987.

At a business meeting on September 16, 1987, the Senate Committee on Energy and Natural Resources ordered H.R. 242 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on September 16, 1987, by unanimous vote of a quorum present recommends that the Senate pass H.R. 242 as described herein.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Bradley*	
Mr. Bingaman*	
Mr. Wirth	
Mr. Fowler*	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield*	
Mr. Domenici*	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles*	
Mr. Hecht	
Mr. Evans	

*Indicates voted by proxy.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 22, 1987.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 242, an act to provide for the conveyance of certain public lands in Oconto and Marinette Counties, Wisconsin, as ordered reported by the Senate Committee on Energy and Natural Resources, September 16, 1987.

H.R. 242 would authorize the Secretary of the Interior to sell approximately 200 acres of public land to private citizens who currently occupy the land. Based on information obtained from the Bureau of Land Management, CBO estimates that the federal government would realize receipts from the sale of approximately $10,000 in fiscal year 1988.

Enactment of this legislation would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 242. The act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 242, as reported.

EXECUTIVE COMMUNICATIONS

On July 13, the committee requested legislative reports from the Departments of the Interior and Agriculture setting forth executive agency recommendations relating to H.R. 242. At the time this report was filed, these views had not been received by the committee. When the reports are available, the chairman will put them into the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the committee notes that no changes in existing law are made by the act H.R. 242, as reported.

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